

HOUSE BILL REPORT

ESB 6236

As Passed House:
March 1, 2006

Title: An act relating to election dates and deadlines.

Brief Description: Changing election dates and deadlines.

Sponsors: By Senators Schmidt, Kastama, Swecker, Oke, Berkey and Benson; by request of Secretary of State.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/15/06 [DP].

Floor Activity:

Passed House: 3/1/06, 94-3.

Brief Summary of Engrossed Bill

- Moves the date of the primary to the third Tuesday in August and changes election-related dates to conform with the new date of the primary.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Marsha Reilly (786-7135).

Background:

Primary date: The primary election is held at the earlier of: (1) the third Tuesday in September prior to a general election; or (2) the seventh Tuesday prior to a general election.

Special elections: County legislative authorities and county auditors may call a special county election 45 days prior to the proposed election date. By law, special election dates may occur on the following dates: the first Tuesday after the first Monday in February; the second Tuesday in March; the fourth Tuesday in April; the third Tuesday in May; the day of the September primary; and the day of the general election.

Declarations of Candidacy: Declarations of candidacy may be filed no earlier than the fourth Monday in July and no later than the following Friday. Minor party and independent candidate nominating conventions are held between the last Saturday in June and the first Saturday in July. Under certain circumstances, a special three-day filing period may be reopened by the applicable election officer between the regular filing period and six weeks before the primary and prior to the sixth Tuesday before an election.

Service and Overseas Voters: The Federal Voting Assistance Program administered by the Department of Defense requires a 45-day voting window from the time the ballots are mailed to the time the results of an election are certified. Washington law requires absentee ballots to be mailed 18 days before an election with a proviso that county auditors make every effort to mail ballots to overseas and service voters earlier than the 18 day requirement. Returned absentee ballots are counted up until certification, which occurs 10 days after a primary election and 21 days after a general election. The time between the date ballots are required to be mailed to service and overseas voters and the date the voted ballots are due back to local election administrators is 28 days for a primary election and 39 days for a general election.

Election Certification: County canvassing boards are required to complete the canvassing of votes and certify the results of an election ten days after a primary or special election and 21 days after a general election.

Presidential Preference Primary: A major political party has 39 days to file a petition for nomination of a candidate in the presidential preference primary with the Secretary of State (Secretary). The candidate then has eight days to file an affidavit with the Secretary stating that he or she will not become a candidate, otherwise the Secretary shall place the name of the candidate on the ballot.

Campaign Reporting: Candidates and political committees are required to report all contributions and expenditures to the Public Disclosure Commission (PDC) at the beginning of a campaign and at specified intervals during the campaign, as follows:

- the day the treasurer is named;
- 21 days and seven days immediately preceding an election;
- the tenth day of the first month after the election (except for the period following the primary election by a candidate continuing in the general election, or any continuing political committee);
- on the tenth day of each month in which no other reports are required but only if expenditures or contributions were made in the preceding month and that the total contributions or expenditures exceed \$200 since the last report; and
- every Monday beginning on the first day of the fourth month preceding the special or general election for bank deposits.

Campaign Freeze: State elected officials are prohibited from soliciting or accepting campaign funds during the period beginning 30 days before a legislative session and ending 30 days after a legislative session has concluded, and during any special session.

Summary of Bill:

The date of the primary election is moved from the third Tuesday in September to the third Tuesday in August. A number of other election-related events and deadlines are changed to conform with the new primary date as follows:

Special Elections: The number of days allowed for a county legislative authority to call a special election is changed from 45 days to 52 days prior to the proposed election date. Resolutions for county, city and junior taxing district special elections must be filed with the auditor 84 days before the election if the resolution will appear on a primary or general election.

Declarations of Candidacy: The date for filing a declaration of candidacy is changed from the fourth week in July to the first week in June. Minor party and independent candidate nominating conventions are changed from the week beginning the last Saturday in June to the week beginning the first Saturday in May. The special three-day filing periods allowed between regular filing and six weeks prior to the primary, and for the period just six weeks before the primary are changed to 11 weeks before the primary.

Service and Overseas Voters: County auditors must mail ballots to overseas or service voters at least 30 days before any election. Requests for ballots made after the date required for mailing must be processed immediately.

Election Certification: Certification of a primary election or special election is changed from 10 days to 15 days after the election.

Presidential Preference Primary: A major political party has 60 days, instead of 39 days, to file a petition for nomination of a candidate in the presidential preference primary with the Secretary of State (Secretary). The candidate then has 52 days, rather than 35 days, before the primary to execute and file an affidavit with the Secretary in order for his or her name to be placed on the ballot.

Campaign Reporting: Contribution and expenditure reporting requirements are changed to begin on the fifth month, rather than the fourth month, prior to a general election. Candidates who are successful in the primary election and any continuing political committees must file a report of contributions and expenditures to the PDC the tenth day of the first month after the primary.

Campaign Freeze: The period prohibiting solicitation and receipt of campaign contributions is changed to end on the day of final adjournment of a legislative session.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains multiple effective dates. Sections 1 through 16 and 18 through 40, relating to the primary and related election dates, takes effect January 1, 2007.

Section 16 which reinstates prior law related to certification of election results takes effect July 1, 2013 after a scheduled expiration of the instant runoff voting pilot project.

Testimony For: Service members have not been getting their ballots in time to participate in elections. This is the top priority bill for the Secretary of State. Eighty-five percent of military people voted. The soldier takes an oath to defend the Constitution of the United States. Please take care of the soldiers. The bill is important because of the short timelines auditors have to get ballots out and certify the election. Many auditors are here today to support the bill and all 39 county auditors support the bill. Timelines are very important, particularly with the election reform measures and election audits passed last session.

Testimony Against: None.

Persons Testifying: Senator Schmidt, prime sponsor; Sam Reed, Secretary of State; Oria Berndt; Corky Mattingly, Yakima County Auditor; and Bob Terwilliger, Auditor's Association.

Persons Signed In To Testify But Not Testifying: None.